



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Washington, DC 20460

OFFICE OF  
RESEARCH AND DEVELOPMENT

November 4, 2021

**MEMORANDUM**

**SUBJECT:**     OIG Hotline Referral 2019-0156

**FROM:**       Francesca T. Grifo, PhD  
                  Scientific Integrity Official

**TO:**           Kevin W. Collins  
                  OIG Hotline Director

On May 3, 2019, EPA's Office of Inspector General (OIG) forwarded an anonymous complaint that had been received by the OIG Hotline. OIG established EPA OIG Hotline Complaint No. 2019-0156 to document this complaint.

OIG Hotline Complaint No. 2019-0156 (the Complaint) largely focuses on two issues:

- 1) costs that EPA is incurring to develop its own per-and polyfluoroalkyl substances (PFAS) analytical method when a published American Society for Testing and Materials (ASTM) method (ASTM D7979) is available; and
- 2) alleged plagiarism within the draft EPA method. Specifically, the Complaint alleges that material from the method to which ASTM apparently claims a copyright (ASTM D7979) was included in the EPA draft without attributing the method to ASTM.

The draft EPA method that is the subject of the Complaint is SW-846 Method 8327 (<https://www.epa.gov/hw-sw846/validated-test-method-8327-and-polyfluoroalkyl-substances-pfas-using-external-standard>). This method is part of EPA's *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods Compendium*, commonly known as SW-846. SW-846 is EPA's official collection of methods for use in complying with Resource Conservation and Recovery Act (RCRA) regulations (<https://www.epa.gov/hw-sw846/basic-information-about-how-use-sw-846>).

EPA released SW-846 Method 8327 to the public in July 2021 (<https://www.epa.gov/hw-sw846/sw-846-update-vii-announcements#PhaseII8327>).

## Scope and Method of Inquiry

Complaints concerning waste, fraud and abuse are outside the purview of the Scientific Integrity Program. Therefore, issues related to the costs incurred in developing SW-846 Method 8327 were not considered in screening the Complaint.

The Complaint also references an additional EPA method (SW-846 Method 8329) that is no longer under development by EPA. Issues related to SW-846 Method 8329 were not considered in screening the Complaint.

In screening the Complaint, the Scientific Integrity Program spoke with EPA's Standards Executive and staff in EPA's Office of Land and Emergency Management (OLEM), Office of Research and Development (ORD), and Office of General Counsel (OGC).

The Complaint alleges that material from the method to which ASTM claims a copyright<sup>1</sup> (ASTM D7979) was included in the EPA draft without attribution to the ASTM method. In reviewing the Complaint, the Scientific Integrity Program was informed by EPA scientists in Region 5, OLEM and ORD that the method at issue was originally developed by EPA (Region 5) and documented as a laboratory Standard Operating Procedure (SOP). The method developed by Region 5 was further validated and released by EPA as draft SW-846 Method 8327. Therefore, the underlying analytical methodology of both ASTM D7979 and SW-846 Method 8327 was developed by EPA.

The draft SW-846 Method 8327 was released for public comment in 2019. The Scientific Integrity Program confirmed that the ASTM method was listed in the reference list of the draft SW-846 Method 8327 in a manner consistent with standard citation practices for SW-846 methods.

Following public comment, the draft SW-846 Method 8327 underwent additional revisions and was finalized and released in July 2021. The ASTM method and the EPA Region 5 laboratory SOP are both referenced in the document.

The Scientific Integrity Program performed an analysis of SW-846 Method 8327 and ASTM D7979 using Plagiarism Checker X, a software tool that detects duplicate content. Less than 5% similarity was detected between the two documents. Given this low similarity score, the Scientific Integrity Program concludes that there is no evidence of plagiarism of ASTM D7979 within SW-846 Method 8327.

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<sup>1</sup> While the Complaint refers to this copyright claim, legal questions concerning the use of copyrighted material are outside the purview of the Scientific Integrity Program, and these questions are distinct from the question of plagiarism addressed in this memorandum. In any case, OGC has confirmed that in these circumstances, EPA retains the ability to use information developed with governmental resources regardless of any unsubstantiated copyright claims.

## **Summary and Determination**

EPA staff confirmed that the original EPA Region 5 laboratory SOP that is the basis of ASTM D7979 was developed by EPA with governmental resources. As such, EPA retains the ability to use the information. ASTM D7979 and the Region 5 laboratory SOP are appropriately listed as references in SW-846 Method 8327. No evidence of plagiarism was detected in an analysis conducted between SW-846 Method 8327 and ASTM D7979 using Plagiarism Checker X software. The allegation of plagiarism of the ASTM method in SW-846 Method 8327 is not substantiated.

Please don't hesitate to contact me at 202-564-1687 if you have any questions.